

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELLIOT HIRSCH,

Plaintiff,

MEMORANDUM & ORDER
22-cv-5011 (EK) (VMS)

-against-

LAURIE BEDA, et. al,

Defendants.

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ERIC KOMITEE, United States District Judge:

After the Court dismissed Elliot Hirsch's federal claims, he was ordered to show cause why the Court should not dismiss his state law claims on jurisdictional grounds. Mem. & Order 11-15, ECF No. 210. Hirsch responded. But his response does not adequately establish that diversity jurisdiction is proper under 28 U.S.C § 1332, and the Court has already explained that it will not exercise supplemental jurisdiction under 28 U.S.C § 1367, *see id.* at 12. Hirsch's case will therefore be dismissed.

Hirsch states he is domiciled in New Jersey, which is adequate to allege he is a New Jersey citizen. Hirsch Order to Show Cause Letter at 1 ("Hirsch Ltr."), ECF No. 211. But as to the citizenship of the twenty-two remaining defendants, Hirsch writes only:

All Defendants are domiciled outside the State of New Jersey. None are incorporated in, domiciled in, or maintain any substantial connection to New Jersey. To the best of my knowledge, they do not conduct business in, reside in, or maintain a physical presence within the state. Accordingly, complete diversity exists under 28 U.S.C. § 1332.

Id. Alleging that the defendants are "citizen[s] of a different state" from plaintiff "is insufficient to show that the diversity requirement is met because, standing alone, it is entirely conclusory." *Carter v. HealthPort Techs., LLC*, 822 F.3d 47, 60 (2d Cir. 2016). And Hirsch's supplemental submission does not allege where any of the defendants are citizens, only that it is not New Jersey. His allegations are therefore insufficient.

Hirsch also apologizes for using the term "reside instead of domiciled" in his original complaint, and reiterates he is not admitted to practice law, despite having graduated from law school and passed a state bar exam. Hirsch Ltr. at 2 (quotations omitted). But a *pro se* plaintiff "must still comply with the relevant rules of procedural and substantive law, including establishing that the court has subject matter jurisdiction over the action." *Ally v. Sukkar*, 128 F. App'x 194, 195 (2d Cir. 2005). And even if every instance of "resides" in Hirsch's complaint were replaced with "is domiciled," the Court would still lack diversity jurisdiction. For multiple individual defendants Hirsch alleged their

"business address" or "place of business." See Fifth Amended Compl. ¶ 7, ECF No. 168 (Heshy Tischler, Eve Scaba, and Eva Shammah).

Accordingly, this case is dismissed without prejudice for want of subject-matter jurisdiction.¹ The Clerk of the Court is respectfully directed to close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: April 22, 2025
Brooklyn, New York

¹ Because the Court lacks jurisdiction, it will not address Hirsch's request for prejudgment attachment of one of the defendant's assets. Hirsch Ltr. at 2.